

APPROVED MINUTES
VILLAGE OF ANTIOCH
BOARD OF TRUSTEES, REGULAR MEETING
Municipal Building: 874 Main Street, Antioch, IL
June 18, 2007

CALL TO ORDER

Mayor Larson called the June 18, 2007 regular meeting of the Board of Trustees to order at 7:30 PM in the Municipal Building: 874 Main Street, Antioch, IL.

ROLL CALL

Following the Pledge of Allegiance, roll call indicated the following Trustees were present: Hanson, McCarty, Caulfield, Crosby and Pierce. Also present were Mayor Larson, Administrator Haley, Assistant Administrator Keim, Attorney Magna and Deputy Clerk Folbrick. Absent: Trustee Wolczyk and Clerk Rowe.

APPROVE BALANCE OF AGENDA FORM

Trustee Crosby moved, seconded by Trustee Pierce to approve the balance of the June 18, 2007 meeting agenda as presented.

Trustee McCarty asked why the ordinances discussed at the Committee of the Whole meeting were placed on the agenda when it was decided not to bring them to this meeting. He was under the impression that it would be discussed further at another Committee of the Whole meeting. Trustee Crosby said that upon reflection he believed that there had already been enough discussion and it was time to bring the item to a head.

Mayor Larson read aloud the action that was taken at the Committee Meeting stating that during the discussion of the ordinance regarding legislative council it was the consensus of the Board to place this ordinance on the shelf until a new Village Attorney is found. When the ordinance regarding standing committees was discussed Mayor Larson asked Trustee Hanson and Trustee Crosby to compile more information and address the considerations listed.

Trustee Pierce withdrew his second on the motion. Trustee Caulfield seconded the motion made earlier by Trustee Crosby. Upon roll call, the vote was:

YES: 2: Caulfield, Crosby.

NO: 3: Hanson, McCarty and Pierce.

ABSENT: 1: Wolczyk.

THE MOTION FAILED.

Trustee McCarty moved, seconded by Trustee Pierce to approve the balance of the meeting agenda removing the first reading of ordinances 1-5-11 and the ordinance amending the municipal code of Antioch.

Trustee Hanson explained that his previous vote was in error.

Upon roll call, the vote was:

YES: 2: McCarty and Pierce.

NO: 3: Hanson, Caulfield and Crosby

ABSENT: 1: Wolczyk.

THE MOTION FAILED.

Trustee Caulfield moved, seconded by Trustee Crosby to approve the balance of the meeting agenda as presented. Upon roll call, the vote was:

YES: 3: Hanson, Caulfield and Crosby

NO: 2: McCarty and Pierce

ABSENT: 1: Wolczyk.

THE MOTION CARRIED.

May 21, 2007 REGULAR MEETING MINUTES

Trustee Pierce said that there were two sets of minutes which were distributed to the Board, and asked if they could be approved separately. Attorney Magna recommended that the minutes from the May 21, 2007 public hearing be placed on the next Village Board agenda since they were not an item on this agenda.

Trustee McCarty moved, seconded by Trustee Hanson, to approve the minutes from the regular Village Board meeting dated May 21, 2007. Upon roll call, the vote was:

YES: 5: Hanson, McCarty, Caulfield, Crosby and Pierce

NO: 0.

ABSENT: 1: Wolczyk.

THE MOTION CARRIED.

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PETITIONS/BIDS

No report.

MAYOR

No report.

CLERK

No report.

ADMINISTRATOR

No report.

COMMUNICATIONS

No report.

CITIZENS WISHING TO ADDRESS THE BOARD

James Freedman, Rembrandt Drive resident, related that he found the answer to his previous questions regarding the utility tax. He explained that the minutes dated June 6, 2005 contained the answers that he sought.

Matt Scholle, Inverness Drive resident, expressed concern regarding the condition of the fence around the lift station located at Bowles Road and Inverness Drive. Assistant Administrator Keim said that a work order has been created to repair the fence, and the job should be completed within three weeks.

Angelo DelGuidice and Darlene Sweeney, Edgewater Condo Association, stated that they recently discovered that their property was placed in a flood plain. Ms. Sweeney said that she has spoken with staff regarding this issue, however staff does not have the necessary resources to assist the owner. She asked for help from the Village in order to resolve this issue.

Assistant Administrator Keim explained that the buildings were not built in the flood plain, however the property was in a flood plain before it was filled in the early 90's. He said that the lending institution or insurance companies may be using outdated maps which would show the property in a flood plain. He explained that the lending institutions require the owner to provide a letter of map amendment from FEMA prior to releasing flood insurance requirements. The Village does not provide letters of map amendment for private property, however they can direct residents to the necessary paperwork.

Ms. Sweeney said that she is aware of the paperwork, however the approximate cost of completion is \$2,600.

Mr. DelGuidice said that they were led to believe that FEMA was given the information from the Village which is outdated. Assistant Administrator Keim said that is incorrect.

Mayor Larson said that staff would help them as much as is within their parameters.

Taso Maravelas, Heather Glen Ct. resident, asked Mayor Larson if she was the liquor commissioner. Mayor Larson replied that she was and therefore signed the licenses once requirements were met. Mr. Maravelas asked what happens if an elected official holds a liquor license. Attorney Magna said that would have to be looked at very carefully. Mr. Maravelas asked the board members if any of them were involved with a liquor establishment. Trustee McCarty replied that he was, and that there was a state statute on a mayor's position, but he did not believe there was a state statute regarding trustees. Attorney Magna said that the state statute previously stated that no elected official could hold a license, however that was recently amended.

Elmer VanHaecke, Crawford Road resident, spoke regarding the Peterson Industrial Park, and asked if the setbacks on the East side of the development were given any consideration. He is concerned that the setback increase from 60 feet to 68 feet would not allow for the construction of a berm. Mayor Larson told Mr. VanHaecke that staff will look into the setback distance and contact him with that information.

Attorney Magna read from the Illinois Municipal League handbook which cited state statute 235 ILCS 5-6-2 stating that *"formerly, the liquor control act provided that no law-enforcing public official (including members of the Local Liquor Control Commission, any Mayor, Alderman, or member of the City Council or Commission and any President or member of a Village Board of Trustees) could be issued a license to manufacture, sell or distribute alcoholic liquor within the territory, subject to the jurisdiction of that official."* Attorney Magna continued, saying that *"effective August 16, 2001, the Act was amended to provide that, in a City or Village having a population of 50,000 or less, a liquor license may be granted to an Alderman, member*

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of a City Council, or member of a Village Board of Trustees in relation to premises located within the territory subject to the jurisdiction of such an official'. He noted that the Mayor is still not able to hold a liquor license. Attorney Magna cited the qualifications noted in the Illinois Municipal League handbook.

Trustee McCarty said that he asked at the time of his partnership in this business and was advised that he could hold a liquor license as a trustee but not as a mayor.

Trustee Crosby asked what types of liquor issues Trustee McCarty could or could not vote on in the future. Attorney Magna replied that it would depend, but for example he could not vote on any amendments to the liquor regulations.

Attorney Magna will review this further, looking at state requirements as well as the local ordinance.

Jerry Haley, Harbor Ridge Drive resident, expressed his concern with the political direction the Board is taking, and feels that they are not working toward the best interest of the Village. He said that he does not expect them to agree always, but thinks it is critical to find a positive productive path to the many problems facing the Village today. Mr. Haley listed some projects he feels deserve the attention of the Village Board, including the new sewer treatment plant, repaving of streets, water tower repair, sidewalk maintenance, current and proposed developments, budgeting, and legal matters. He asked the Board to educate themselves in these matters, and make the best decision for the Village. Mr. Haley said that he believes the trustees must stop micromanaging the department heads, and should not waste money on a second village attorney, because those decisions are not in the best interest of the Village. Finally, Mr. Haley wished his brother, Village Administrator Michael Haley, the best in his retirement. He thanked his brother for years of service to this community, and for bringing respect back to the Village with his tough and sometimes delicate leadership.

LEGISLATIVE AND HUMAN RESOURCES

Status report regarding executive search firms for the Village Administrator position – Director Winegarner referred to the information which was given to the board prior to this meeting, which include a proposal from Slavin, as well as a copy of the draft job posting and the advertising plan she created. Director Winegarner said that she requested proposals from the Par Group and Slavin, however the Par Group is not able to submit a proposal for the recruitment at this time. She explained that the proposed costs were outlined in the Slavin proposal, which are broken down to include any work the Village may do. She proposed that they move forward with advertising plan as presented and review the candidates after three to four weeks.

Trustee Caulfield asked why there were two search firms that were sent requests for proposals. Director Winegarner replied that at the previous Committee of the Whole meeting she presented three or four different firms, but these were the top two firms which have experience working with municipalities.

Mayor Larson asked if she had contacted anyone out at Northern. Director Winegarner replied that that will be part of the advertising plan.

Trustee Pierce suggested looking at more than one firm for recruitment. Director Winegarner said that she will review other firms, but they may not specialize in municipalities.

Trustee Crosby asked if Slavin would charge \$13,000. Director Winegarner responded that the total approximate cost is \$20,000, which does not include office costs, advertising, and any travel fees. She further explained that she will utilize the free services of the Illinois Municipal League regardless of the use of an executive search firm.

This item will discussed further at the next Committee of the Whole meeting.

PLANNING, ZONING AND BUILDING, SENIOR SERVICES

No report.

ENGINEERING, PUBLIC WORKS AND UTILITIES

Award the 2007 resurfacing program bid in the amount of \$357,015.75 to the responsible bidder, Payne & Dolan, Inc. – Assistant Administrator Keim reviewed the bids opened on May 2, 2007, and recommended approval of awarding the bid to Payne & Dolan, Inc. in the amount of \$357,015.75.

Trustee Hanson moved, seconded by Trustee McCarty to award the bid to Payne & Dolan, Inc. in the amount of \$357,015.75.

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Trustee Caulfield thanked the Board for the opportunity for the issue to be revisited and discussed at committee. Mayor Larson stated that the time frame for the bid had expired, however, Payne & Dolan had agreed to extend their bid.

Trustee Pierce asked if there was a plan on the commencement of paving since the bid has been extended. Assistant Administrator Keim replied that if the bid is awarded, he would meet with Payne & Dolan right away to set up a schedule for the East side of Main Street, and allow some flexibility for the remaining lots.

Upon roll call, the vote was:

YES: 5: Hanson, McCarty, Caulfield, Crosby and Pierce

NO: 0.

ABSENT: 1: Wolczyk.

THE MOTION CARRIED.

Trustee McCarty moved, seconded by Trustee Pierce to approve a resolution authorizing the awarding of the contract and having the Mayor sign the contract. Upon roll call, the vote was:

YES: 5: Hanson, McCarty, Caulfield, Crosby and Pierce

NO: 0.

ABSENT: 1: Wolczyk.

THE MOTION CARRIED.

FINANCE, ECONOMIC AND REDEVELOPMENT

Payment of invoices over \$10,000 Informational Report – Director McCarthy reviewed the informational report of payment of invoices of \$10,000 and over dated June 18, 2007 and prepared by village staff. Invoices included were: ComEd in the amount of \$15,219.55 for street lights.

Trustee Pierce asked if the invoice for ComEd is a monthly charge. Director McCarthy responded that it is a monthly charge.

Summary of Escrow – Director McCarthy reviewed the informational report dated June 18, 2007 prepared by village staff showing escrow payments in the amount of \$5,426.70. She explained that the invoices held over from the June 4, 2007 meeting were not able to be included in this report, changing the total of the escrow amount for the Law Office of Rudolph F. Magna to \$6,010.00 from \$3,380.00.

Accounts Payable - Trustee McCarty moved, seconded by Trustee Pierce to approve, as presented, payment of accounts payable as prepared by village staff, dated June 18, 2007 and in the amount of \$158,446.01.

Trustee Hanson said that he plans on abstaining from this vote because he is employed at a store receiving payment.

Director McCarthy reviewed some coding errors to Smith Engineering for IEPA research that should have been charged to GLP escrow in the amount of \$303.75, and two lift stations in the amounts of \$892.50 and \$3,322.50 which should have been charged to the water and sewer fund.

Upon roll call, the vote was:

YES: 5: McCarty, Caulfield, Crosby and Pierce.

NO: 0.

ABSTAIN: 1: Hanson.

ABSENT: 1: Wolczyk.

THE MOTION CARRIED.

Payroll Expense Report dated June 1, 2007 - Trustee McCarty moved, seconded by Trustee Caulfield to approve as presented the Payroll Expense Report dated June 1, 2007 in the amount of \$258,734.04. Upon roll call, the vote was:

YES: 5: Hanson, McCarty, Caulfield, Crosby and Pierce.

NO: 0.

ABSENT: 1: Wolczyk.

THE MOTION CARRIED.

Approve 2007-2008 Budget as presented – Director McCarthy reviewed the budget and changes that were made as a result of the last Committee of the Whole meeting. Those changes included adding \$34,000 to fuel and fluids in the general fund for the Public Works Department, as well as a radio antenna transfer project in the amount of \$36,600, half of which will be shared with the Fire Department. Also included are the Trevor Creek Grading project in

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the amount of \$67,000 and the deck project in the amount of \$4,735 which will be funded by the TIF fund. Director McCarthy also stated that the TIF extension was previously estimated, but has been confirmed since the last budget and now reflects the true amount of \$310,684. Director McCarthy said that she could provide the board members with a copy of the most recent changes, which were a result of the previous committee meeting.

Trustee Pierce asked that more money is budgeted in the future for warning sirens in any of the subdivisions that may need them. Mayor Larson responded that they were noted in the capital improvement portion of the budget for three sirens this year.

Trustee Hanson asked why the budget amount for the warming shelter is in the amount of \$130,000 when the project was supposed to be a maximum of \$110,000. He also stated that he had never received an accounting of expenses for this project as requested. Mayor Larson replied that the plan was expanded to create additional storage. Director McCarthy responded that an accounting of this project has been prepared and will be provided to the Board.

Trustee Crosby moved, seconded by Trustee Caulfield to approve the 2007-2008 budget as presented.

Trustee Caulfield commented that the budget is merely a guide and not a license to spend money, and urged board members to pay attention all year. He suggested including a fiscal impact statement with each item to be voted on in the future as well as a running total on the projects. Director McCarthy said that project sheets have been provided, and a follow-up to that item would be monthly updates on the project expenditures.

Upon roll call, the vote was:

YES: 5: Hanson, McCarty, Caulfield, Crosby and Pierce.

NO: 0.

ABSENT: 1: Wolczyk.

THE MOTION CARRIED.

Approve Data Technologies Financial Software Purchase – Director McCarthy reviewed her memo dated June 14, 2007 regarding the proposal from Data Technologies to replace the existing Pentamation software the village staff is currently utilizing. She explained that the current Pentamation software is leased, and will expire on December 29, 2007. She said that it is not a lease purchase agreement, therefore the Village will need to continue to lease this application indefinitely. Director McCarthy stated that the Finance, Clerk's, and Planning and Zoning Departments reviewed five different software packages, and found that Data Technologies was the best option. The ten year cost savings from purchasing this package is estimated at \$204,218. Director McCarthy said that the auditors have recommended that payroll be brought back in-house, as it is the largest expense for the Village. Other additions include an accounts receivable module, as well as a fixed asset inventory module.

Trustee McCarty asked if there was an off site back-up system with both the current and proposed software. Director McCarthy replied that Pentamation is an internet based provider, so the data is off site, and with the new system back-up tapes would have to be stored at a separate, secure location. Trustee McCarty said that he would like to see something in place to keep the data safe and secure.

Director McCarthy spoke of the timing urgency with this purchase because it will take approximately six months to implement the new software before the Pentamation lease expires.

Trustee Caulfield asked if Pentamation has been on site to troubleshoot some of the problems that staff is having with the software. He said that he has spoken with Pentamation, and they said they would be willing to come out here, but no such request had been made at that time. He said that he is not aware of any in depth conversations between staff and Pentamation. He suggested that this item be given further consideration before a decision is made.

Director McCarthy responded by saying that they have contacted Pentamation on every issue they have had, for a total of 46 items since March of 2006. She agreed that an off site system is an advantage, however it is the *only* advantage. Based on her experience, she can compare what Pentamation and Data Technologies can and cannot do for the Village of Antioch. She related various problems with Pentamation, which are not a result of poor training, but rather the software program itself. Director McCarthy informed the Board of a most recent problem where the Village could not conduct proper business for three days because Pentamation is an internet based program.

Trustee Caulfield replied that he does not see the loss of the internet as a valid reason to dismiss the current software, as there is other Village business that relies on the internet for

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operation. Director McCarthy replied that the financial software is a necessary resource when assisting residents with payments.

Trustee Caulfield also expressed concern regarding the conversion from one software program to another, saying that things can get lost. He is also uncomfortable with switching software programs at this particular point, because of the growth in the community, and the amount of money that will be flowing through the Village.

Trustee McCarty said that, because of the growth, he feels it is important for the Building and Zoning department of the Village to be connected with the Finance Department. He urged the Board to make a decision quickly, as it is a time sensitive matter with the conversion.

Director McCarthy said that she will work hard to provide the Board with their requests, however, the better the tools are for her to work with, the better she can do. She related that staff is incredibly frustrated with the current software.

Mayor Larson stated that the Finance Department uses this system more than any other department, and the Board should depend on the recommendations that come from the department director. She does not agree that the growth of the Village is a valid reason to delay the purchase of new software.

Trustee Crosby asked when a commitment would be needed in order to proceed before the Pentamation contract would need to be renewed. Director McCarthy responded that it is only a matter of a couple of weeks, because it would take approximately six months to implement the new software.

Trustee Hanson moved, seconded by Trustee Caulfield to place this item in the next Committee of the Whole meeting. Upon roll call, the vote was:

YES: 5: Hanson, McCarty, Caulfield, Crosby and Pierce.

NO: 0.

ABSENT: 1: Wolczyk.

THE MOTION CARRIED.

Financial Report for the month ending May 31, 2007 – Director McCarthy reviewed the informational financial and investment report for the month ending May 31, 2007 showing an ending balance of \$11,319,434.27.

Monthly Financial Trends Report – Director McCarthy reviewed the monthly financial trends report for the General and Capital Funds dated May, 2007. She explained that this report shows a comparison of revenues v. expenditures.

Approve Attorney Magna 2007-2008 legal fees on a month-to-month basis – Trustee Hanson said that he does not object to the fee of \$15,142 per month, but does not support the escrow charges. Mayor Larson explained that the payment of escrow is outlined in a Village Ordinance. Attorney Magna said that he is currently a hold over appointee of the Mayor, and will remain so until a new attorney is appointed. He explained that before the Board this evening is a proposal for Attorney Magna to continue his services based upon the existing arrangement.

Mayor Larson stated that she has contacted two law firms for a proposal, but in the meantime the Village needs an attorney; and as Attorney Magna continues his work for the Village he has the right to be paid.

Trustee McCarty moved, seconded by Trustee Crosby, to approve the contract on a month-to-month basis as stated, to include the monthly fee and escrow payments as billed through July, 2007.

Trustee Hanson commented that he will be voting no on this item because of the escrow included.

Upon roll call, the vote was:

YES: 4: McCarty, Caulfield, Crosby and Pierce.

NO: 1. Hanson.

ABSENT: 1: Wolczyk.

THE MOTION CARRIED.

Approve façade application for Liberty Tat2 located at 901 Main Street- Attorney Magna commented that there is still pending litigation regarding this business. He advised that if this item is approved, it be approved conditionally upon the execution and filing of the final settlement agreement.

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Trustee Hanson stated that there has already been an application approved at this address. Attorney Magna responded that it is stated specifically in the agreement between the Village of Antioch and Liberty Tat2.

Trustee McCarty moved, seconded by Crosby to approve the Liberty Tat2 façade application in the amount of \$9,672.50 from the TIF fund, conditional upon the execution and filing of the final settlement agreement.

Trustee Caulfield suggested further review of the façade ordinance. Mayor Larson replied that the ordinance was Board approved as to the uses and the name of the ordinance.

Trustee Hanson stated that the only item that is applied for and not included in the ordinance is interior painting of the store. Attorney Magna responded, stating that the settlement agreement specifically states it must be a qualified application. He said it was the intent that the improvements would have to be those that qualify under our façade improvement program.

Director Nilsen explained that the purpose of this program is to enhance the appearance of the downtown. He said that, while fluorescent lighting in the bays and storefront is technically an interior improvement, it's primary purpose is to enhance the appearance of the building.

Trustee Crosby asked if there is a requirement stated in the ordinance to keep the exterior similar to the rest of the downtown area. Director Nilsen replied that there is language as it relates to compatibility, however that is subject to interpretation.

Upon roll call, the vote was:

YES: 5: Hanson, McCarty, Caulfield, Crosby and Pierce.

NO: 0.

ABSENT: 1: Wolczyk.

THE MOTION CARRIED.

Approve façade application for Las Vegas Restaurant located at 914 and 920 Main Street – Trustee Hanson moved, seconded by Trustee Crosby, to approve the façade application for Las Vegas Restaurant located at 914 and 920 Main Street. Upon roll call, the vote was:

YES: 5: Hanson, McCarty, Caulfield, Crosby and Pierce.

NO: 0.

ABSENT: 1: Wolczyk.

THE MOTION CARRIED.

PUBLIC SAFETY, PARKS AND LICENSE

Post Prom Committee request to ask for donations during the July 4th and Christmas Holiday parades – Trustee McCarty moved, seconded by Trustee Crosby to approve the request from the Post Prom Committee to ask for donations during the July 4th and Christmas Holiday Parades. Upon roll call, the vote was:

YES: 4: Hanson, McCarty, Caulfield and Crosby.

NO: 0.

ABSTAIN: 1: Pierce.

ABSENT: 1: Wolczyk.

THE MOTION CARRIED.

Raffle License Requests – Trustee Hanson moved, seconded by Trustee McCarty to approve the raffle licenses for the Antioch Garden Club, drawing to be held on June 23, 2007; the Northern Illinois Conservation Club, drawing to be held on July 4, 2007; and PM&L Theatre, drawings to be held during each summer performance; waiving all fees. Upon roll call, the vote was:

YES: 5: Hanson, McCarty, Caulfield, Crosby and Pierce.

NO: 0.

ABSENT: 1: Wolczyk.

THE MOTION CARRIED.

Special Event Application: Fifth Third Bank – Trustee Caulfield moved, seconded by Trustee Hanson, to approve the special event application for the Fifth Third Bank Customer Appreciation Event to be held on June 23, 2007, contingent upon activities stated by Deputy Clerk Folbrick, and that it does not encroach on a public right-of-way or create a public nuisance. Upon roll call, the vote was:

YES: 5: Hanson, McCarty, Caulfield, Crosby and Pierce.

NO: 0.

ABSENT: 1: Wolczyk.

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THE MOTION CARRIED.

Homecoming Parade – Trustee Hanson moved, seconded by Trustee McCarty to approve the Antioch Community High School Homecoming Parade on Thursday, October 11, 2007. Upon roll call, the vote was:

YES: 5: Hanson, McCarty, Caulfield, Crosby and Pierce.

NO: 0.

ABSENT: 1: Wolczyk.

THE MOTION CARRIED.

ATTORNEY

First Reading of AN ORDINANCE ADDING §1-5-11 OF THE MUNICIPAL CODE OF ANTIOCH ESTABLISHING THE OFFICE OF LEGISLATIVE COUNSEL – Attorney Magna read aloud the ordinance.

Mayor Larson commented that this ordinance is a waste of taxpayer's money, and she does not believe that there are any other counsels to Trustees in Lake County because it is not necessary. She further questioned why the Trustees feel it is necessary to have their own legislative counsel.

Trustee McCarty said that he called State's Attorney Michael Waller's office and was told that his office was there for the use of the Village Board of Trustees. He explained that if there is something being done that is not to the satisfaction of a board member, or if a board member is uncomfortable with the Village Attorney, you may go to the State's Attorney's office and obtain free legal advice. He continued by saying that if you need help with a draft resolution and do not want to use the Village Attorney, you have the ability to hire an attorney for that purpose on a case by case basis. He expressed concern regarding the unnecessary additional expense for an attorney that is not needed.

Trustee Pierce made suggestions if the board wishes to pass this ordinance. The first suggestion related to section 1A which states that "The Village Board may, by majority vote of the Trustees, appoint a duly licensed Illinois attorney". Trustee Pierce suggested that the majority vote be changed to a super majority vote of the Trustees, due to the fact that the attorney will be selected to represent all of the Trustees. This would allow for a consistency between section 1A and 1E where the removal from office requires an affirmative vote of 4/5 of the Trustees. He also requested that the Board seek bids from the attorneys to obtain the best price. Finally he suggested that the attorney may provide counsel to residents. He also declared his objection to the passage of this ordinance.

Trustee Caulfield moved, seconded by Trustee Crosby to waive the second reading of the ordinance.

Trustee McCarty urged the Board to reconsider the availability of the States Attorney's office and said that he is uncomfortable locking into a year long agreement when it can be done on a case by case basis. He believes it is a waste of taxpayer's money.

Trustee Pierce asked if the Trustees had an attorney in mind when this ordinance was drafted, and suggested that it may be the same attorney they used during their campaign. He stated an objection to that particular attorney because they made slanderous statements about Trustee Pierce and he hopes that it is not the same attorney.

Mayor Larson asked if they are asking in their motion to change section 1A to a super majority. Trustee Caulfield replied that he is simply asking to waive the first reading, but will be asking for a couple of changes in the language.

Upon roll call, the vote was:

YES: 3: Hanson, Caulfield and Crosby

NO: 2: McCarty and Pierce

ABSENT: 1: Wolczyk.

THE MOTION CARRIED TO WAIVE THE SECOND READING OF THE ORDINANCE.

Trustee Caulfield moved, seconded by Trustee Crosby, to approve the ordinance entitled, **AN ORDINANCE ADDING §1-5-11 OF THE MUNICIPAL CODE OF ANTIOCH ESTABLISHING THE OFFICE OF LEGISLATIVE COUNSEL**, adding the word "less" in front of "intimidating" in the fourth "WHEREAS", in section 1A replacing his with his/her, and changing the following to read: "NOW THEREFORE, BE IT ORDAINED by the President and Village Board of Trustees of the Village of Antioch, Lake County, Illinois, as follows."

Trustee Crosby added that section 1D and 1E should be changed to 1C and 1D respectively.

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Attorney Magna commented that this is an executive office of the Village. He added that there is dispute as to whether this is an appropriate action of a non-home rule community. Attorney Magna urged the board to obtain, in writing, a verification that this is a lawful ordinance. He explained that if taxpayer money is spent without lawful authority, there could be personal action taken against each of the trustees for refunds.

Trustee Crosby stated his intention not to increase the current cost that is being paid for legal services. Mayor Larson asked Trustee Crosby how that would be possible. Trustee Crosby replied that the legislative counsel for the Trustees could do some work that may assist the Village Attorney, therefore reducing his workload and cost. Trustee Crosby indicated that he will not vote for a new Village Attorney if the cost is higher than what is currently being paid.

Upon roll call, the vote was:

YES: 3: Hanson, Caulfield and Crosby

NO: 3: McCarty, Pierce and Mayor Larson.

ABSENT: 1: Wolczyk.

THE MOTION FAILED.

It was explained by Attorney Magna that the Mayor has the right to vote when there are three trustees voting in the affirmative in order to pass an ordinance as stated in 65-ILCS-5/3.1-40-30 "Although the Mayor or President does not ordinarily vote in most Illinois forms of municipal government, he or she may do so on three occasions: (a) when the vote of the Aldermen or Trustees has resulted in a tie; (b) when one half of the Aldermen or Trustees elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or (c) when a vote greater than a majority of the corporate authorities is required by state statute or local ordinance to adopt an ordinance, resolution or motion"

First Reading of AN ORDINANCE ADDING § OF THE MUNICIPAL CODE OF ANTIOCH – Attorney Magna read aloud the ordinance regarding standing committee structure.

Mayor Larson commented regarding the fourth WHEREAS which stated, *"it has become the practice and routine that most, if not all, of the individual committees meet at times and days that are not convenient to the citizens, thereby inappropriately depriving the citizens of their right to know what decisions are being contemplated, and the right to participate meaningfully in the process"*. She indicated that on April 12, 2006 it was passed to create a standing committee schedule to hold the meetings on the second and fourth Tuesday of each month, which has been the policy for over a year. She questioned the presence of that statement in the ordinance, and stated that the information was incorrect.

Trustee McCarty questioned the staff liaisons mentioned in section C of the ordinance which states that *"The staff liaisons shall have no individual power to make decisions or to direct staff, but are appointed for the sole purpose of providing a direct link between the Village Board and the department heads responsible for implementing policy"*. He noticed a conflict between that language, and sections b, e, f, g and h of section C of the ordinance. Trustee McCarty reviewed each sub-section individually to demonstrate the conflict. He explained that a three person committee forces the Trustees to comply with the open meetings act and publish any meetings, and he believes that this ordinance is a way to circumvent that. Trustee McCarty said that he agreed with the committees that were created by this ordinance, but believes that the committee structure will create micromanagement of village staff.

Trustee Hanson said that he does not believe there is a difference between the one person committee vs. the three person committee except that you are only using one person to deliver the status of that committee rather than three.

Trustee Crosby would like to see a structure where the Village Administrator is in full authority, the department heads are accountable, and that they can come to the board with their thoughts and ideas.

Trustee Pierce expressed concern that this ordinance does not prevent a Trustee from directing Village staff.

Attorney Magna offered his suggestions for the ordinance, including style changes in order to clarify the ordinance. He stated that if the intent is to completely abolish committees, he would suggest stating that affirmatively rather than speaking of the standing committees. He further suggested adding something to the code to establish ad hoc committees and their procedures.

Attorney Magna will review the ordinance further and submit his suggestions to the Board.

APPROVED MINUTES

First Reading of AN ORDINANCE REZONING PROPERTY FROM THE RURAL ESTATE (RE3) DISTRICT TO THE LIMITED MANUFACTURING (M-1) DISTRICT ON THE PETITION OF INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC. (IDI) AND GRANTING PRELIMINARY PLANNED UNIT DEVELOPMENT PLAT APROVAL AND SPECIAL USE (PZB 06-14; PIN #s 0318100001; 0318100002; 0213200002; 0213200003; 0213200006) – Attorney Magna reviewed the ordinance stating that it begins to lock in the plans and specifications that are attributable to the preliminary plat. He explained that any blanks in the ordinance are currently being gathered by Director Nilsen for the final draft. The ordinance also approves the development agreement.

Trustee Pierce asked Mr. Elmer VanHaecke what his concerns were with the development which were addressed at the beginning of the meeting. Mr. VanHaecke explained that the preliminary plan shows a trailer yard against the East boundary which could possibly be a very noisy operation when the trailers are moved. He would like a large berm built on the East side in order to eliminate some of the noise and air pollution.

Director Nilsen stated that the current buffer is at the maximum requirement for residential development, and exceeds in terms of plant materials and transition yards per the Lake County requirements. He continued to say that the developer is required to meet the noise ordinance regardless of the size of the berm.

Trustee Crosby asked what is being done on the Eastern boundary. Director Nilsen replied that it would be a minimum of 30 feet of landscape yard required. There will be double evergreens in order to screen the development. Additionally, as the building height increases, so shall the building setback. He cautioned that if a berm is forced in that area, the trees will die.

Mr. John Benson of IDI offered to expand the berm, but it would have to extend onto Mr. VanHaecke's property.

Attorney Magna reviewed the conditions within the proposed ordinance. He explained that the sewer service agreement between the Village of Antioch and Lake County does not include this property. He said that in order for a final plat approval, there must be an amendment made to that agreement. Lake County has submitted a letter to Director Nilsen stating their terms and conditions for the annexation of this property into the sewer service area #9. One main condition in that letter is that the easement on the Route 173 side of the property be dedicated to Lake County, as well as the pipe that the developer will install. Attorney Magna stated that the developer must obtain sewer service before a final plat can be obtained.

Trustee Caulfield asked if there was any progress with the Illinois Department of Transportation regarding a stoplight on Route 173. Director Nilsen replied that there has been no progress at this time. Trustee Caulfield requested a resolution for the light before approval is given.

This ordinance will be placed on the next Village Board Agenda for second reading and approval.

ADJOURNMENT

There being no further discussion, Trustee Hanson moved seconded by Trustee Pierce to adjourn the regular meeting of the Board of Trustees at 12:20 a.m.

Respectfully submitted,

Lori K. Folbrick
Deputy Clerk